

## OFFICIAL COPY

Fresno, California

May 10, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Absent: Henry Perea                      Councilmember

Andy Souza, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

Pastor Booker T. Lewis of the Rising Star Baptist Church gave the invocation, and President Dages led the Pledge of Allegiance.

PRESENTATIONS TO THE 2<sup>ND</sup> ANNUAL CELEBRITY CHARITY POKER TOURNAMENT WINNERS - PRESIDENT DAGES

PRESENTATION OF THE CARL HERNANDEZ PEER RECOGNITION AWARD - POLICE DEPARTMENT

PRESENTATION OF AWARDS TO FOUR WASTEWATER TREATMENT PLANT EMPLOYEES - CITY MANAGER

Presentations made.

PROCLAMATION OF ANGELO STALIS DAY - MAYOR'S OFFICE

Read and presented.

PRESENTATION OF SAVED BY THE BELT AWARDS TO ASHLEY AND BRITTNEY CRECELIUS - COUNCILMEMBER CALHOUN AND THE POLICE DEPARTMENT TRAFFIC UNIT

PRESENTATION TO THE 2005 FRESNO CITY COLLEGE BASKETBALL TEAM

Presentations made **(2 - 0)**.

**ADD-ON:** PROCLAMATION FOR KATRINA WILLIAMS, RECIPIENT OF THE PRESIDENTIAL AWARD FOR MATHEMATICS AND SCIENCE TEACHING - COUNCILMEMBER BOYAJIAN

Read and presented.

----

**APPROVE MINUTES OF MAY 3, 2005:**

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of May 3, 2005, approved as submitted.

----

**COUNCIL MEMBER REPORTS AND COMMENTS:**

#### GOOD NEWS ABOUT FRESNO - COUNCILMEMBER DUNCAN

Councilmember Duncan stated written and TV media tend to find all the bad in the city and ignore the good and advised (1) in a national report on traffic congestion Fresno was ranked 65<sup>th</sup> out of the top 85 metropolitan areas and stated he hoped the city would stay at the bottom of the list, (2) Men's Health Magazine recently ranked Fresno as the 7<sup>th</sup> happiest city in the United States, and (3) Selland Arena was ranked 21<sup>st</sup> *in the world* by Poll Star Magazine in terms of top venues for the first quarter of 2005 ahead of Madison Square Garden who was ranked 25<sup>th</sup>

#### VIETNAM WALL REPLICA AT EATON PLAZA - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated opening ceremonies were covered very well by the media and stated bringing the wall to the city had been a labor of love, advised he presented a proclamation to the Vietnam Veterans Association which commemorated the 30<sup>th</sup> anniversary of the end of the Vietnam era, and thanked all the veterans and involved city departments and staff and encouraged everyone to visit the wall which was in memory of almost 60,000 people who gave their lives.

#### LEGION OF VALOR'S 115<sup>TH</sup> CONFERENCE AND WAR BIRDS FLY-IN EVENTS - COUNCILMEMBER WESTERLUND

Councilmember Westerlund noted the Legion's conference was held this past week in Fresno, advised only those who have received the nation's highest military awards can become a member of the Legion of Valor, also advised on Saturday the first ever fly-in fair was held with the war birds and it was a successful and wonderful event, and thanked airports staff and everyone else who worked on the event.

#### CONGRATULATIONS TO COOPER MIDDLE SCHOOL ON THEIR 7<sup>TH</sup> ANNUAL HEALTH FAIR AND THE FRESNO HIGH SCHOOL ALUMNI ASSOCIATION ON THEIR 6<sup>TH</sup> ANNUAL DINNER EVENT - COUNCILMEMBER BOYAJIAN

Congratulations extended.

#### MAYOR'S COMMENTS ON THE STEM CELL RESEARCH ISSUE - COUNCILMEMBER BOYAJIAN

Councilmember Boyajian stated he did not appreciate some of the Mayor's comments, stated politics and religion needed to be left out whether one believes in stem cell research or nor, and added a lot of distinguished people were in town and involved and the voters of California stated they wanted to see research go on.

#### COMMENDATION TO JOHN ELAM AND ALL PUBLIC WORKS AND PARKS STAFF INVOLVED IN CLEANING UP THE MCKENZIE TRAIL - PRESIDENT DAGES

Commendation made.

#### BUDGET HEARING SCHEDULE - PRESIDENT DAGES

President Dages stated meeting dates needed to be set and recommended Council discuss and set dates after the Mayor's presentation of the budget.

----

#### APPROVE AGENDA:

#### AGENDA HEARING SCHEDULE AND HEARING SET FOR *FRIDAY, MAY 20, 2005* - COUNCILMEMBER STERLING

Upon question of Councilmember Sterling, President Dages stated he was aware May 20<sup>th</sup> was a Friday and the date was set to put the "wheels in motion" and was tentative until Council approves it.

#### **(3:45 P.M.)** CONTINUED HEARING TO CONSIDER AMENDING THE CITY OF FRESNO'S NONDISPOSAL FACILITY ELEMENT

##### 1. RESOLUTION - AMENDING THE NONDISPOSAL FACILITY ELEMENT

Continued to May 17, 2005, at 9:30 a.m. at the request of staff.

145-168

5/10/05

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved as modified, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : Perea

----

**ADOPT CONSENT CALENDAR:**

Barbara Hunt, 2475 S. Walnut, spoke to Item **1-B** stating signal operation needed to be checked city-wide; in support of Item **1-H**; to Item **1-G** stating children needed to be educated and provided with jobs, and in opposition to Item **1-L**.

Councilmember Calhoun pulled item **1-F** from the consent calendar for later discussion.

**(1-A) RESOLUTION NO. 2005-158** - APPROVING THE FINAL MAP OF TRACT NO. 5302 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, EAST SIDE OF W. POLK BETWEEN W. RIVER VISTA DRIVE AND TE SAN JOAQUIN RIVER BLUFF

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND THE DEED OF AVIGATION AND HAZARD EASEMENT (SIERRA SKY PARK AIRPORT)
2. AUTHORIZE THE FIRE CHIEF TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT REQUIRING CERTAIN FIRE PROTECTION TO BE PROVIDED AND MAINTAINED
3. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN
4. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

**(1-B) RESOLUTION NO. 2005-159** - 76<sup>TH</sup> AMENDMENT TO AAR 20054-209 APPROPRIATING \$34,300 FOR MAINTENANCE OF STREETS, STREET LIGHTS AND/OR TRAFFIC SIGNALS PREVIOUSLY CONSTRUCTION WITHIN CONSOLIDATED ASSESSMENT DISTRICT NO, 2

**(1-C)** AWARD A ONE-YEAR REQUIREMENTS CONTRACT WITH PROVISIONS FOR TWO ONE-YEAR EXTENSIONS TO SCENZ ENTERPRISES, INC., IN THE AMOUNT OF \$190,678.45 FOR TRUCK-MOUNTED SERVICE UTILITY BODIES (REBID)

**(1-D)** AWARD A REQUIREMENTS CONTRACT IN THE AMOUNT OF \$144,9958.11 TO WESTERN PACIFIC SIGNAL, INC., FOR TRAFFIC SIGNAL CABINETS AND ANCILLARY DEVICES

**(1-E)** AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION IN THE AMOUNT OF \$122,200 TO CONSTRUCT WATER WELL SITE IMPROVEMENTS AT PUMP STATION 30A

**(1-G) RESOLUTION NO. 2005-160** - AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF 2005/2006 JUVENILE ACCOUNTABILITY BLOCK GRANT PROGRAM FUNDING FROM THE STATE OF CALIFORNIA BOARD OF CORRECTIONS AND EXECUTION OF DOCUMENTS

**(1-H) RESOLUTION NO. 2005-161** - 81<sup>ST</sup> AMENDMENT TO AAR 2004-209 ACCEPTING \$50,000 OF SBC FOUNDATION GRANT FUNDING TO EXPAND THE FRESNO BUSINESS SERVICE TRAINING (BEST) COMPUTER LABORATORY PROJECT TO ADDITIONAL SITES, AUTHORIZE THE EXECUTION OF DOCUMENTS, AND APPROPRIATE FUNDS TO THE FRESNO BEST PROGRAM

Councilmember Sterling recognized and commended parks and recreation staff on the issue stating part of the SBC grant would be going to the Ted C. Wills center to benefit young adults and seniors.

**(1-I) RESOLUTION NO. 2005-162** - 82<sup>ND</sup> AMENDMENT TO AAR 2004-209 ACCEPTING AND APPROPRIATING "ONE-TIME

ONLY" (OTO) FUNDS IN THE AMOUNT OF \$2,500 FROM THE FRESNO-MADERA AREA AGENCY ON AGING (FMAAA) FOR THE SENIOR CITIZENS HOT MEALS PROGRAM TO PROVIDE ADDITIONAL EQUIPMENT AT PROGRAM SITES

**145-169**

**5/10/05**

Councilmember Sterling recognized and commended parks and recreation staff on the issue stating she serves on the FMAAA board and she knows how this will greatly benefit the organization.

**(1-J)** APPROVE THE STANDARD AGRICULTURAL LEASE AGREEMENT WITH STEVEN PETERSEN AT THE LEASE RATE OF \$216/ACRE FOR 140 ACRES OF CITY-OWNED LAND AT THE REGIONAL WASTEWATER RECLAMATION FACILITY, AND AUTHORIZE THE INTERIM DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE LEASE AGREEMENT ON BEHALF OF THE CITY

**(1-K) RESOLUTION NO. 2005-163** - APPROVING THE 2006-2010 CONSOLIDATED PLAN AND AUTHORIZING SUBMISSION OF THE PLAN TO HUD FOR CDBG, HOME, ESG AND THE AMERICAN DREAM DOWNPAYMENT INITIATIVE (ADDI) PROGRAM FUNDS, AND AUTHORIZING THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS REQUIRED BY HUD

**(1-L) BILL NO. B-43 - ORDINANCE NO. 2005-47** - AMENDING THE SALES TAX ORDINANCE PURSUANT TO AGREEMENT WITH THE COUNTY OF FRESNO MEMORANDUM OF UNDERSTANDING (MOU)

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : Perea

----

**(9:00 A.M.) PUBLIC COMMENT PERIOD - UNSCHEDULED COMMUNICATION:**

APPEARANCE BY BARBARA HUNT REGARDING GANGS AND NEED TO CALL A TRUCE

Appearance made; no action taken.

APPEARANCE BY EDDIE ECHOLS REGARDING SPEEDING FAX BUSES IN HIS NEIGHBORHOOD

Appearance made with Councilmember Sterling responding and stating Mr. Echols concerns/complaints were being addressed.

REQUEST FOR CITY ATTORNEY TO PROVIDE A REPORT/LEGAL OPINION ON NEPOTISM RELATED TO POLICE CHIEF DYER AND HIS FOUR FAMILY MEMBERS WORKING IN THE POLICE DEPARTMENT - COUNCILMEMBER BOYAJIAN

Request made with City Attorney Montoy stating she would provide an opinion on nepotism requirements but stated she did not know the facts about family members and would work with the city manager's office on that. City Manager Souza added this was a broad accusation without any specificity of timelines and histories of when people were hired and stated he would work with the city attorney's office to address the matter.

----

**(9:30 A.M.)** APPROVE REQUEST OF GRANITE CONSTRUCTION CO., INC., TO SUBSTITUTE SUBCONTRACTOR FOR THE FYI RUNWAY 11L-29R REHABILITATION PROJECT, CIP NO. AC0041

Interim Public Works Manager Kirn gave an overview of the issue and reiterated the city's only responsibility was to ensure the substituted subcontractor has a valid contractor's license for the work that is being prosecuted and that they do pay the prevailing wages pursuant to public contracting requirements.

Speaking to the issue were: Greg Jordan, IBEW Local 100, who stated after talking with Gary Brown he was no longer opposed to the request and felt Gary Brown Electric could complete the project successfully, and added he heard a city staff member contacted the

owner of Gary Brown Electric and stated he (Mr. Jordan) slandered Mr. Brown and he felt that was inappropriate; John Hutson, who stated he

**145-170**

**5/10/05**

believed Mr. Brown could finish the job whether union or non-union and clarified one of his concerns last week was that the item was placed on the consent calendar and he had major problems with staff and the information they provide adding the public should not be the ones to provide Council with information; Barbara Hunt, 2475 S. Walnut, who spoke in opposition stating the process should be re-opened; and Larry Stouch, Chief Estimator for Granite Construction, who explained the reason for their request and project work and urged approval so they could complete the project.

A motion and second was made to approve staff's recommendation. Councilmember Sterling commended all involved for working together, clarified although Council does have the authority to reject a subcontractor she still felt the City should not get in the middle of a disagreement between business partners, spoke briefly to problems encountered in jobs when due-diligence is not done in the beginning, and stated with the agreement reached she would support the project.

**(3 - 0)** City Attorney Monty advised she spoke with public works staff concerning procedures to be utilized in the future, she felt there was some correctness to Mr. Hutson's comments stating staff did need to provide more information and evidence at the outset, clarified the prime contractor followed all procedures to propose a substitute contractor and Council did have the right to select the substitute contractor but there were limitations, and clarified in this case the evidence to look at to approve the substitution is whether Gary Brown Electric has not (stating there was no evidence of that) and whether the company was properly licensed and bonded (stating it was).

Councilmember Boyajian thanked Councilmember Westerlund for delaying the matter to get more information and Mr. Jordan and Mr. Hutson for coming and requested they continue to be vigilant, and stated the defamation comment was ridiculous as the individuals who spoke were only concerned about the city and getting the job done. City Manager Souza stated he wanted to talk with Mr. Jordan on the defamation comment so it could be looked into and addressed. Ms. Montoy responded to questions of Councilmember Westerlund relative to the criteria to approve a substitution and if Council denying the request based on the employee issues would have opened the City up to liability, whereupon Councilmember Westerlund stated in this case Council did not have the authority to reject the subcontractor based on something other than the criteria laid out in the bid proposal or contract itself and stated approving the request was the right thing to do. Ms. Montoy responded to questions of President Dages relative to why this had to come to Council when the substitute contractor fit all the requirements and why staff could not just approve it, and spoke to what had concerned him about this issue and stated as a council member he a right to bring these matter forward. Councilmember Westerlund clarified it was appropriate that the matter was placed on consent because there were no problems with bonding, debarring or licensing.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the request from Granite Construction Co., Inc., to substitute Summit Electric with Gary Brown Electric, Inc., for the electrical portion of the FYI Runway 11L-29R Rehabilitation Project hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
Noes :	None
Absent :	Perea

----

**(10:00 A.M.) WORKSHOP ON, AND POSSIBLE DIRECTION RELATING TO, THE CITY'S WORKER'S COMPENSATION CLAIMS - COUNCILMEMBER STERLING**

Councilmember Sterling stated concerns were laid out in her memo to council, stated it bothered her that were there were 42 FPOA employees with open claims, and stated her questions were why employees could not be provided with good customer service in a timely manner and why there are complaints on AARLA.

FPOA President Jacky Parks and FCEA representative Alex Correa commended city staff and applauded their good efforts in trying to alleviate problems/concerns, and advised of and spoke to the concerns and complaints which included employees wanting to be able to communicate directly with AARLA, employees being forced back to work too soon, employees being treated poorly, and AARLA interpreting workers' compensation laws too harshly.

Interim Director of Personnel Quinto submitted staff's report it to Council and apologized that it did not make it into Council's packet, and Risk/Safety Manager Turner gave a lengthy overview of the staff report as submitted and the changes that have occurred in the program and efforts undertaken.

**145-171**

**5/10/05**

AARLA President Steve Wye stated the most important thing for them was getting the employee back to work while guiding them through the medical community and following labor code laws; stated they have been responsive, their communication with risk management was good, and when a problem is put in front of them they investigate and get back to risk management with the findings; advised with the change in law one of the difficulties they have encountered is getting the cooperation of the medical community to move as fast as AARLA would like them to; spoke to and clarified issues relative to the face-to-face contact request; and stated AARLA would continue to talk with injured workers in avenues that are available and advised they take all concerns and problems seriously and they would continue to work with risk management to resolve any issues.

Councilmember Sterling presented questions, comments and concerns at length relative to the need for employees to be treated like they have some worth, her being unclear as to what the possible solutions are, the large amount of open claims, how long it takes to complete a claim, AARLA maybe being a little too automated, if the contract has to be extended beyond 2007, if the contract can be terminated at this time, request for the FCEA and FPOA representatives to work with her office and AARLA on the matter, the changes in the system and laws but injured employees still deserving good service, **(4 - 0)** and the intent not being to sever the contract at this time but will move in that direction if necessary, with City Attorney Montoy, City Manager Souza, Mr. Turner and Mr. Correa responding throughout. President Dages stated one third of the employees on workers compensation out of 3,800 was crazy and he would want to look at terminating the contract and questioned if the contract could be looked to see if there was a way to breach that contract, with Ms. Montoy recommending staff, AARLA and union representatives continue to meet and that Council request the city manager to report back in about 30 days with an update. Councilmember Sterling stated that was what she wanted to do and advised her office would be in contact with all involved.

Councilmember Boyajian stated it was important to look at the law and what it has done, noted a lot of people wanted a change in the workers compensation law because they felt it was a fraud, advised the law took the discretion out of what can be done and stressed workers compensation was not an entitlement, stated people were used to the old law and getting their way and they were not getting their way any more and stressed it was not AARLA's fault and they should not be blamed, and presented questions relative to what AARLA tells employees about their rights, what the process is when a claim is filed, number of cases pending, number of cases that were open when AARLA took over the contract, percentage of claimants have retained lawyers, percentage of lawyers that get involved, contact rules, how much discretion AARLA has to fight for the employees, if unions and employees are being educated on the law, and if AARLA feels more education is needed, with AARLA claims administrator Mike Srenaski and Mr. Turner responding. Mr. Turner and Senior Risk Analyst Connelly responded to questions of Councilmember Westerlund relative to the 1700 open claims when AARLA took over the contract and number that were active versus those where treatment had been concluded and awaiting payment. Mr. Souza stated this was a very complex matter and there were a number of converging issues and explained and asked that staff be allowed to continue to work on and address the issue. Councilmember Sterling thanked everyone involved and stated she wanted to help improve the system and requested she be kept in the loop. There was no further discussion.

----

**RECESS - 11:23 A.M. - 11:38 A.M.**

**(11:30 A.M.) PRESENTATION OF THE FISCAL YEAR 2006 BUDGET - MAYOR AUTRY**

Mayor Autry stated he felt this was one of the strongest budgets ever; advised the three common sense guiding principals of the budget were to maintain services at a high and effective level for the people, to invest wisely to secure the future for ourselves, our children and grandchildren, and to maintain a strong rainy day reserve in these unpredictable and challenging times; commended staff; stated this budget had been well thought out, was well constructed and was well equipped to continue to move the city forward; and thanked Council for their input, praised the process, and encouraged Council to respect all the hard work and keep the major components intact.

Lengthy discussion ensued. Councilmember Calhoun thanked the Mayor for including the call center (the 3-1-1 concept he and Councilmember Duncan brought forth in the past) in this budget and stated his only concern was "hurricane courts" -- the utilities lawsuit. Councilmember Sterling applauded the fact that there were no layoffs and stated her major concern was the Community Investment Grant Program and process for choosing programs and stated she wanted to meet with the Mayor prior to Council deliberations and also wanted

to be part of the team to leverage the city's \$8 million in CDBG funds **(5 - 0)**. Councilmember Westerlund spoke to the BRACC issue and stated some contingencies would have to be made if some of the valley's military bases are on the closing list. Councilmember Duncan commended the Mayor and staff on the budget and the Mayor for his vision citing the Homeless Veterans Program, and stated the "hurricane Supreme Court" was handled very rationally and was a balanced approach. President Dages stated he was also glad to see the Vets program,

**145-172**

**5/10/05**

stated he also was happy there were no layoffs, and commended staff stating putting a budget together was not an easy process and added there was going to be some differences. City Manager Souza recognized staff in attendance and commended them, and spoke briefly to the KRA Strategic Plan document stating a tremendous amount of staff time went into it and it was a huge document despite its size. Mayor Autry responded to each council members' comments throughout and thanked Council for their part in the process and added this was the first time he had seen each council member had a little less mistrust than in past years.

Brief discussion ensued on setting budget hearing dates and the timeline to adopt the budget, with Ms. Montoy recommending Council hold off on setting dates at this time as she needed to talk with staff about public noticing requirements and timelines. By Council consensus discussion on budget hearing dates was continued to later in the meeting.

----

**LUNCH RECESS - 12:13 P.M. - 2:00 P.M.**

**(2:00 P.M.) CONTESTED CONSENT CALENDAR ITEMS:**

**(1-F) AWARD A CONTRACT TO KELLY C. BROYLES, INC. FOR INSTALLATION OF AN 8" WATER MAIN IN N. SAN PABLO AND N. GLENN AVENUES, AND A 12" WATER MAIN IN N. BLACKSTONE AND E. SIERRA AVENUES**

Councilmember Calhoun stated his concerns were the lowest bidder backed out, the contract amount was 26% above the amount originally budgeted for the project, changes were made and there was no updated Engineer's Estimate, and there was a lot of loose work here, and along with Councilmember Boyajian presented questions and requested an explanation of what took place, if it was unusual to change the scope of work during the design process, if not updating the Engineer's Estimate or the amount budgeted was standard operating procedure, if sufficient funds existed for the project, if funds would not be taken from another project, and if staff felt another bidder could come in under \$520,000 if the project were to be rebid, with Water System Manager Martin responding.

Councilmember Westerlund stated his concern was the lack of an updated Engineer's Estimate stressing that was the benchmark and was needed, questioned the impact of a delay so staff could provide an estimate (with Assistant Public Works Director Kirn responding), and made a motion to continue the matter one week so staff could return with an Engineer's Estimate and evidence of the inadvertent clerical error.

On motion of Councilmember Westerlund, seconded by Councilmember Calhoun, duly carried, RESOLVED, Item 1-F continued one week to allow staff to report back with an Engineer's Estimate on the project along with information/evidence of Haydon Construction's inadvertent clerical error, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Sterling, Westerlund
Noes :	Dages
Absent :	Perea

----

**(2:15 P.M.) PRESENTATION BY THE FRESNO COUNTY TRANSPORTATION AUTHORITY ADVOCATES' OFFICE ON THE EDUCATION OF MEASURE "C" 1986 THROUGH THE PRESENT TIME**

Fresno County Transportation Authority (FCTA) Advocate Willems submitted written material to Council, a copy of which is on file in the office of the city clerk, and gave a presentation on what Measure "C" has provided for, the Reauthorization Steering Commission, and what the Office of the Advocate does, and upon question of President Dages explained what her duties were as an advocate.

Discussion ensued with Ms. Willems and Transportation Director Rudd responding to questions of Councilmembers Sterling, Boyajian, Duncan and President Dages relative to what the FCTA's plan was for the funds, if there was any written plan/material, a past committee's work on Measure "C" **(6 - 0)** and what the status was on their suggestion to establish parameters only and appoint a commission to expend the funds, the infrastructure study that was going to be conducted, if the structure of the Authority board would be changed, need to stay focused on developing a plan that 2 out of 3 people will vote for, who created the steering committee, need for Fresno to have representation on the committee as the county's largest city, and need for Council to have input on the future Measure "C" funds.

# 1. MEASURE "C" 1986 OVERVIEW/POTENTIAL IMPACT

145-173

5/10/05

Mr. Rudd stated he was advised by the attorney's office that there was a conflict between the title and what was on the agenda and the above matter would be brought back next week and added the report would be informational only. Upon comments of President Dages relative to the importance of Council input, Assistant City Manager Ruiz stated staff had very much of an interest internally for everyone to be involved and wanted to form some sort of an internal working group consisting of members of council and others so that a plan is submitted that the voters will approve.

----

**(2:45 P.M.)** HEARING ON REZONE APPLICATION NO. R-05-08 AND ENVIRONMENTAL FINDINGS, INITIATED BY THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT, SOUTH SIDE OF FRESNO STREET BETWEEN "N" AND "O" STREETS - EATON PLAZA - 2430 FRESNO STREET IN COUNCIL DISTRICT 3

**1. CONSIDER AND ADOPT E.A. NO. R-05-08/C-05-55, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR**

**2. BILL NO. B-46 - ORDINANCE NO. 2005-48 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM THE "P" TO THE "CC" ZONE DISTRICT**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Fabino reviewed the issue as contained in the staff report as submitted and recommended approval.

Hal Tokmakian, 2721 E. Garland, spoke in support of the project and urged at the groundbreaking or ribbon-cutting the park be properly named after Ed Eaton who worked so hard to keep downtown together.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Sterling commented briefly in support, thanked all involved who made this happen, and made a motion to approve staff's recommendation. Councilmember Calhoun seconded the motion, spoke briefly to the four-phase Master Plan and past direction to staff to look for funding, questioned if Council would be getting information back on that request, with Assistant City Manager Ruiz stating a report would be submitted to Council by June 7<sup>th</sup>, and stated the park would be a gem for downtown. An unidentified staff member responded to question of Councilmember Boyajian relative to when parking would be eliminated and Councilmember Boyajian added this was going to be a great park.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the environmental finding of E.A. No. R-05-08/C-05-55 dated March 31, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-46 adopted as Ordinance No. 2005-48, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages
Noes :	None
Absent :	Perea

----

**(2:50 P.M.)** HEARING ON REZONE APPLICATION NO. R-05-13 AND ENVIRONMENTAL FINDINGS, INITIATED BY THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT, PROPERTY LOCATED ON THE NORTH SIDE OF E.

BELMONT BETWEEN N. SUNNYSIDE AND N. FOWLER AVENUES - 5897 E. BELMONT AVENUE IN COUNCIL DISTRICT 5  
**1. CONSIDER AND ADOPT E.A. NO. R-05-13/C-05-62, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR**

**2. BILL NO. B-47 - ORDINANCE NO. 2005-49 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO O/UGM**

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Fabino reviewed the issue as contained in the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the environmental finding of E.A. No. R-05-13/C-05-62 dated March 14, 2005, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master EIR hereby approved, and the above entitled Bill No. B-47 adopted as Ordinance No. 2005-49, by the following vote:

**145-174**

**5/10/05**

Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : Perea

----

**(3:00 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 3:04 p.m. and convened in joint session with the Redevelopment Agency.

**APPROVE AGENCY MINUTES OF MAY 3, 2005**

On motion of President Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the Agency minutes of May 3, 2005, approved as submitted.

**("A") DIRECT STAFF TO WORK WITH THE FRESNO MOTOR SPORTS DEVELOPMENT PARTNERSHIP TO LOCATE, IDENTIFY, ENTITLE AND INSTALL ALL REQUIRED PUBLIC IMPROVEMENTS OF A 600-ACRE SITE FOR A MULTI-PURPOSE MOTOR COMPLEX - PRESIDENT DAGES (JOINT ACTION)**

Upon questions of Chair Boyajian, President Dages stated his intent was to have the city and agency work together to find a site, and Executive Director Murphey stated the two site options identified (1-California/Jensen/Marks/Fruit, and 2-Jensen/West/North/Martin Luther King) were generally in southwest Fresno and in the county and very little of the area in the city--under 5%--would be in an RDA area.

Councilmember Sterling advised she was contacted some time ago by the developer to talk about the project and a little research was done at that time, stated she has since found out the site is in the county but still in the city's sphere of influence, advised the Mayor/Council Economic Development Task Force has not been able to make the numbers work out on this proposal, stated most importantly she has talked with members of the district 3 community and they are not interested in this project at the site next to the Southwest Sports Complex as residential neighborhoods/communities and other projects are now being developed and a race track would not be compatible, and clarified the community was only opposed to the location and not to the race track being in another area.

President Dages spoke to the Fresno Motor Sports Development Partnership's (FMSDP) proposal; clarified there was currently no exact location for the complex; spoke to the benefits the project would bring to the city; stated he wanted staff to work with the partnership for 90 days to research whether Fresno can give the necessary 600-acre site to hold this complex; and stressed racing was Fresno, this project was huge and would attract many visitors, the supporters wanted this done right, and they were not trying to jam this down anyone's throat or tying to put it next door to anyone's house and stressed an area needed to be found for this. Upon question of Chair Boyajian, Assistant City Manager Ruiz stated conversations had occurred at the Mayor/Council Economic Task Force meetings and a few outside of that, and staff was still in the information-gathering stage at this point.

FMSDP partner Paul Saito and Dave Swindell, operator of Kings Speedway and a raceway consultant, stated their goal was to bring the number one spectator sport in the world to Fresno along with \$250 million to the local economy, gave an extensive overview of

the proposal, displaying renderings to illustrate, stated the partnership would purchase the land from the city at the required time once all entitlements are in place, stated they looked forward to working with the city to find a suitable site, submitted a list of some of the Fresno International Motorsports Complex luminaries in attendance and acknowledged them, stated racing was about families and explained, and submitted a book on the Vukovich Story to each member of Council dealing with the racing heritage in this community.

President Dages made a motion to direct staff as outlined in the title above, and upon the request of the city attorney for clarification modified the motion to direct city and agency staff to work with the Fresno Motor Sports Development Partnership to locate and identify a 600-acre site for a multi-purpose motor complex, which motion was subsequently modified to add *within 90 days*.

Speaking to the issue were: Harlan Kelly, 3378 W. Kearney Blvd., opposed to the west Fresno sites; Earl Bachant, 5717 W. Shields, opposed to using taxpayer funds to assist; Ken Clark, 3245 S. Hughes, opposed to the site; Shirley Studt, 1521 E. Hampton Way, support for the project; Rita McPeters, 116 W. North, opposed to the site; and Mark Melville, Atwater, Director of Special Services for Riverside Motor Sports Park, support. At this point Chair Boyajian clarified a specific site had not been determined. Continued speakers in opposition to the west Fresno sites identified were Brunette Harris, 909 E. Chester, and Margie Hayman, 1135 E. Dorothy. At this point Councilmember Sterling responded to comments made and reiterated her opening comment that she and district 3 did not want the racetrack in west Fresno and she would not support the sites.

**145-175**

**5/10/05**

Continued speakers were: Dan Johnson, Kingsburg, support; Rick Smith, Hollywood, support; Les Kimber, 407 W. Kearney Blvd., opposed to the sites; Ken Wade, 3805 Ashcroft, support; Wesley Flowers, opposed to sites; Blackie Gejeian, 8598 S. East, support **(8 - 0)**; Gloria Torrez, who spoke to the need to get community input and spoke to the earlier Measure "C" item stating her opposition to CNG buses and her concern that the people do not have a voice on transportation issues; and Kevin Hall, representing the Sierra Club/Tehipite Chapter, who stated two facilities one hour apart (Merced County) could not be sustained.

Bud Long, FMSDP partner, clarified their request was for Council to allow staff to meet with them to see if the project is feasible for the community and find a site, they did not mean to offend anyone and as a suggestion were only asking if a west Fresno location would be considered and they did not mean that would be the only site, and apologized if anyone was misled.

Discussion ensued. Chair Boyajian read the entire list as submitted of the guest luminaries into the record. President Dages responded to comments and concerns stating Council did not place the article in the Fresno Bee and he only supplied the paper with the information, and asked people to get involved and help find a location stating he would love to have the complex in his district, and reiterated his motion and added at the end *within 90 days*.

Councilmember Duncan stated he was a race fan and would love to see a race track somewhere in Fresno as it would be a benefit overall, stated the motion was way premature, he was unclear as to exactly what some of the economics were, the report contained some ambiguous information that needed to be fine-tuned and elaborated on economic development and site/land acquisition concerns, stated a location in the county would be better and using RDA tax increment would not happen, and stated there were too many holes in the proposal and urged Council to let the motion die. Councilmember Westerlund stated he agreed there were a lot of issues to be worked out, stated there were also a lot of other projects ahead of this one that would take precedence and he could not see this being publicly funded, and stated he was sensitive to west Fresno residents' concerns concurring there a lot of good things were going on but added the district has also had a level of protection that has been unprecedented. Chair Boyajian spoke to people's affinity for racing, the problem of finding a site in a redevelopment area, noted there was no funding tied to the motion but questioned how fruitful it would be to talk with the city manager as the city had its financial challenges and he felt the county should be included, and with the lack of a second Chair Boyajian seconded the motion.

A motion of President Dages, seconded by Chair Boyajian, to direct city and agency staff to work with the Fresno Motor Sports Development Partnership to locate and identify a 600-acre site for a multi-purpose motor complex within 90 days failed, by the following vote:

Ayes :	Dages
Noes :	Calhoun, Duncan, Sterling, Westerlund, Boyajian
Absent :	Perea

----

The joint bodies adjourned their meeting at 4:36 p.m. and the City Council reconvened in regular session at 4:37 p.m.

(2-A) REPORT ON PRIORITIZED CAPITAL PROJECTS FOR THE CONVENTION CENTER

Convention Center Manager Overfelt noted this was an informational report and gave an overview of the issue as contained in the staff report as submitted, and advised it was possible the roof replacements would be pushed up further on the priority list due to leakage.

Discussion ensued Councilmembers Sterling, Boyajian, Westerlund, Calhoun and Duncan presenting questions and/or comments relative to the recognition brought to Fresno in the entertainment area, need to take care of the needs, the conversion of Valdez Hall to a ballroom, need to improve the dressing rooms to attract entertainers, if the facilities could be painted outside, bonding needed to pay for all the capital needs, need to replace the control panels along with the chiller replacement, Selland Arena being in the top 10 for events and rankings, request to steam clean "M" street, need to replace the roofs, and thanks to SMG for bringing the Rolling Stones to the Save Mart Arena, with Mr. Overfelt, Assistant City Manager Ruiz and (9 - 0) Assistant Capital Projects Manager Wood responding throughout.

----

(10:30 A.M.) CLOSED SESSION:

- (A) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:  
1. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) - BASIC UNIT

145-176

5/10/05

2. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) MANAGEMENT UNIT  
3. FRESNO CITY EMPLOYEES' ASSOCIATION (FCEA)  
4. INTERNATIONAL UNION OF OPERATING ENGINEERS, LOCAL 39

Assistant City Manager Ruiz advised chief negotiator Mayne had to leave and by Council consensus closed session was laid over to May 17<sup>th</sup> (\*or May 19<sup>th</sup>). During the following budget dates discussion, Personnel Director Quinto advised Ms. Mayne stayed as long as she could whereupon Councilmember Calhoun spoke to the need to take care of business, stated Council should not dismiss important matters like labor negotiations as they were critical to the workforce and morale, and added it was up to staff to make Council aware of issues such as Ms. Mayne having to leave. \*Brief discussion then ensued on holding labor negotiations for the first two hours on May 19<sup>th</sup> if Ms. Mayne is available that date.

----

BUDGET MEETING DATES

It was determined to start the budget hearings on May 19<sup>th</sup> at 8:30 a.m. and discuss additional dates next week.

----

ADJOURNMENT

There being no further business to bring before the joint bodies, the hour of 5:04 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

APPROVED on the \_\_\_\_17<sup>TH</sup>\_\_\_\_ day of May, 2005.

\_\_\_\_\_/s/\_\_\_\_\_  
Mike Dages, Council President

ATTEST:\_\_\_\_\_/s/\_\_\_\_\_  
Yolanda Salazar, Assistant City Clerk

145-177

5/10/05